

JPW



Docket No. 23418.00  
Customer No. 37833

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: **JOE STUGAN** CONF. NO: **7507**  
SERIAL NO.: **10/727,598** ART UNIT: **3644**  
FILED: **DECEMBER 5, 2003** EXAMINER: **SUSAN C. ALIMENTI**  
FILED: **BIRD ABATEMENT SYSTEM FOR BOATS**

MAIL STOP AMENDMENT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In the Office Action dated July 8, 2005, the Examiner required an election of species under 35 U.S.C. § 121. The separate species of the claimed invention as identified by the Examiner are as follows:

Species A: The embodiment where the fastening means comprise hook and loop elements.

Species B: The embodiment where the fastening means comprise adhesive strips.

Species C: The embodiment where the fastening means comprise buckles.

In compliance with the Examiner's requirement, Applicant provisionally elects with traverse for further prosecution the fastening means that comprises hook and loop

elements (designated as Species A). Claim 1-5, 8-10 and 13-20 are considered to be readable on the elected species.

Notwithstanding the propriety of the election requirement for examination purposes, Applicant contends that he should be entitled to a consideration of a reasonable number of related species falling within the scope of a generically claimed invention. Moreover, it would appear that a search and examination of the entire application can be accomplished without a serious burden on the Examiner since the multiple species identified of record would seemingly encompass a common field of search. As evidence that an examination of the entire application does not pose an undue burden on the Office, Applicant notes that the Examiner has already acted on the merits of all the presently claimed species.

Accordingly, it is respectfully requested that the Examiner withdraw the election requirement, and issue an action on the merits of all the embodiments presently in the case. Alternatively, should the Examiner maintain the requirement and make it final, Applicant awaits a complete action on the merits of the elected subject matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard C. Litman', with a stylized flourish at the end.

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RCL:tcs